

REMARKS

This is intended as a full and complete response to the Restriction Requirement dated July 1, 2005, having a shortened statutory period for response set to expire on August 1, 2005. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-20 remain pending in the application and are shown above. Claims 1-20 are subject to restriction and/or election requirement. Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable.

The Examiner states that the application contains claims directed to two patentably distinct groups. Group I includes claims 1-17, drawn to an image sensor with a 3D stack of color sensors. Group II includes claims 18-20, drawn to a method of imaging.

Applicant elects the invention of Group I (*i.e.*, as embodied in claims 1-17) with traverse. Claims 18-20 are withdrawn without prejudice. However, the Applicant respectfully reserves the right to subsequently file one or more divisional applications in order to prosecute the invention recited in the non-elected group of claims.

Having addressed all issues set out in the Restriction Requirement, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

PATENT
Atty. Dkt. No. YOR920030513US1

Respectfully submitted,

 8/1/05

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